

UNITED STATES DISTRICT COURT  
PROBATION OFFICE  
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY  
CHIEF PROBATION OFFICER

September 12, 2007

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Honorable Katharine S. Hayden  
United States District Court  
Post Office Box 999  
Newark, New Jersey 07101-0999

**RE: KIRBY, Robert**

**REPORT ON OFFENDER UNDER SUPERVISION**

Dear Judge Hayden:

On April 29, 1998, the above-named offender appeared before Your Honor and plead guilty to Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Base, in violation of 21 U.S.C. 841(a)(1), a Class B felony. Subsequently, on August 10, 1998, he was sentenced to serve 110 months incarceration to be followed by 60 months of supervised release, and to pay a \$100 special assessment. The offender was further ordered to abide by the following special conditions of supervision: 1) Drug Treatment; 2) Alcohol Treatment; 3) Resolve Child Support Debt. On June 10, 2005, the offender was released from the custody of the Federal Bureau of Prisons, and accordingly, began his term of supervised release.

In a, "Report on Offender Under Supervision" (Probation Form 12A), dated June 22, 2007, Your Honor was informed that: (1) on June 15, 2007, the offender was arrested by the Carney's Point, New Jersey Police Department and charged with hindering apprehension of another and (2) the offender was knowingly associating with a convicted felon on June 15, 2007. At the time of our report, it was requested that no action be taken pending the outcome of the charges from Salem County Superior Court.

This correspondence is to inform Your Honor that the charge of hindering apprehension was dismissed against Mr. Kirby in Salem County Superior Court on September 4, 2007. As such, this office recommends that no further action be taken.

With regards to the aforementioned criminal association, Mr. Kirby was verbally reprimanded that this behavior will not be tolerated in the future.

If Your Honor should have any questions pertaining to this report, please feel free to contact the undersigned officer at (856) 757-5086.

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Kindly note the Court's position by checking the appropriate box.

*The Court directs that the following action be taken:*

- ☒ Agree with recommended course of action.  
☐ Other

KSH Haden USDJ  
9/18/07

Respectfully submitted,

CHRISTOPHER MALONEY, Chief  
U.S. Probation Officer

*Daniel J. Carney*

By: Daniel J. Carney  
U.S. Probation Officer

DJC/djc  
Enclosure

APPROVED

*Richard A. Gallo*  
Richard A. Gallo, Supervising  
U.S. Probation Officer